

JAN 24 2005

Case No. IRDM.02500D

Date: January 24, 2005

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of : Mark W. Miles
 App. No. : 10/082,397
 For : VISIBLE SPECTRUM
 MODULATOR ARRAYS
 Filed : August 6, 2002
 Examiner : Mai, Huy Kim
 Group Art Unit : 2873

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this Notice of Appeal and all marked
 attachments are being transmitted via facsimile to the USPTO
 Central Fax No. 703.872.9306 on the date shown below.

January 24, 2005

(Date)


 Mark M. Abumari, Reg. No. 43,458

*fee
only*

Board of Patent Appeals and Interferences
 U.S. Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated July 22, 2004 of the Primary Examiner finally rejecting Claims 69 and 70. The item(s) marked below are appropriate:

(x) An extension of time to respond to the final rejection for an additional 2 months is hereby requested.

Filing Fee:

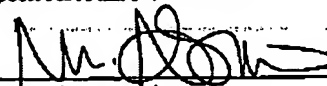
(X) \$250 (small entity)
 () \$500 (large entity)

Time Extension Fee (if applicable):

03/10/2005 RGRADEN 00800002 111410 one month (\$60 small entity)
 01 FC:2253 510.00 DA two months (\$225 small entity)
 02 FC:2401 250.00 DA three months (\$510 small entity) less \$55.00 first extension fee paid November 8, 2004.

- (X) Charge to Deposit Account No. 11-1410 in the amount of \$705.00. (One additional copy of this Notice enclosed herewith.)
 (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Signature:


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